

Association activities implies more than empty honor. The printed reports only scratch the surface of the work and problems discussed, some of which will no doubt receive extended consideration by the House of Delegates and its Reference Committees. It is to be hoped that all members of the Association will take the time to at least glance at the reports submitted, and if suggestions occur to them in such reading, that members will communicate with their delegates so that proper consideration may be given to their opinions. The House of Delegates will meet on Monday and Wednesday evenings, and its Reference Committees will be in session throughout most of Tuesday and Wednesday, to consider the printed reports and the suggestions of members who wish to make any comment. Every member has the right, and should feel free to appear before the Reference Committees and present any matters having to do with medical practice which he deems worthy of study by the Association's officers. The office hours of the Reference Committees will be posted on the bulletin boards.

\* \* \*

**Other Annual Session Activities.**—Attendance at the annual session need not be limited to listening to papers by guest-speakers and members, since an excellent scientific exhibit can be visited. Also a commercial exhibit, which all members are urged to inspect inasmuch as it is these exhibitors who, through their advertising coöperation, make possible, in part, the official journal of the Association. The representatives of the drug and publishing houses, and other firms who will display their products, will appreciate your visits to their booths, and such interest will be a gracious return for their indirect financial coöperation.

\* \* \*

**Hotel Accommodations at Annual Session an Increasing Problem.**—With a membership of almost six thousand physicians, the California Medical Association is finding it increasingly difficult to find hotels of size, ample to care for the activities that are a regular part of its annual session. Space must be provided not only for general meetings, and for gatherings of twelve scientific sections, but for the House of Delegates, the Council, the Scientific and Commercial Exhibits, and the Woman's Auxiliary. Even so large a hotel as the Huntington is lacking in space for all these, so that it has been necessary for the Association to erect a special pavilion for exhibit displays. The Woman's Auxiliary will have its registration headquarters and some of its activities at the Hotel Huntington, but certain other of its meetings will be held at the Hotel Vista del Arroyo.

\* \* \*

**Transportation and Other Items.**—The Supplement also gives information concerning registration, transportation, and other facilities. Attention is called to the desirability of making early table reservations for the President's dinner, to be held on Tuesday evening. Finally, some words of advice are submitted for those who wish accom-

modations at the Hotel Huntington, they being requested to make their reservations at once, and secondly, for members of the House of Delegates, who are urged to finish dining before 8 p. m., the hour scheduled for calling the House to order on Monday and Wednesday evenings.

And last, but not least, you are requested not only to consider possible attendance at the 1938 annual session, but actually to be among those present to profit and enjoy the meetings. If you do so, you will have no reason for regrets.

—

### KERN COUNTY HOSPITAL APPELLATE COURT DECISION: SOME LEGAL INTERPRETATIONS

**Full Text of Kern County Hospital Decision Was Printed in the February Issue.**—Every case that is presented to a court of law, with attorneys representing opposing sides, naturally implies a difference of opinion, either by the parties in interest or by their legal advisers. The Kern County Hospital case—the full text of which opinion (as handed down by the Fourth Appellate District of California) was printed on page 106 of the February, 1938 issue of CALIFORNIA AND WESTERN MEDICINE—was no exception to this rule.

\* \* \*

**Misinterpretation of the Kern County Appellate Court Opinion.**—With that opinion, as embodied in the injunction provisions, under its Subdivision 8, we have no quarrel. But with those officials of Los Angeles County, who in direct or indirect administration of that county's public institution for the sick—the Los Angeles County General Hospital—have claimed that this decision of the Appellate Court not only gave them the right, but made it mandatory for them to send bills for hospitalization services, we have and continue to take issue. It has been our opinion, and still is, and in preceding months we have so stated, that the Board of Supervisors of Los Angeles County have been erroneously advised concerning the Kern County Hospital decision, both as to its context and as to its applicability to the Los Angeles County General Hospital.

\* \* \*

**Contradictory Statements by Los Angeles County Officials.**—Just who were or who are the parties responsible for this faulty advice, legal and otherwise, we do not know, nor have we been able to find out. The officials themselves do not seem to know, because the Superintendent of the County Hospital, Mr. E. J. Gray, in his letter of November 3, 1937, stated:

The Kern County decision requires that the charges billed to patients . . .

And again:

In billing under the Kern County decision . . . (see February CALIFORNIA AND WESTERN MEDICINE, page 99); whereas Mr. J. C. Greer, Director of Accounts and Statistics, in a letter dated December 2, 1937,

in reply to a letter mailed to him on November 10, 1937, stated:

The basis for claiming reimbursement from a county client is found in the previously cited section of the Welfare and Institutions Code, not in the Kern County decision. . . . (See February CALIFORNIA AND WESTERN MEDICINE, page 104.)

\* \* \*

**Legal Opinions Opposed to Los Angeles County Interpretations.**—Again, at a conference held in the office of the Board of Supervisors on February 12, 1938, the first of five questions or topics\* on which an opinion was rendered by County of Los Angeles officials (legal and hospital authorities) was as follows:

"The Appellate Court decision in the *Goodall vs. Brite* case in Kern County, defining the County's responsibility relative to the operation of county hospitals and the fixing and collecting of fees."

The statements then made by representatives of the County were out of line with Subdivision 8 of the Appellate Court decision, already referred to above.

At that conference, Mr. Howard Burrel, counsel for the Association of California Hospitals, in a written opinion there submitted to Supervisor G. L. McDonough, stated:

In regard to indigents [indigent patients] having no present property, we find no requirement in the statute that they should be billed. . . .

In a letter dated January 19, 1938, Hartley F. Peart, Esq., General Counsel of the California Medical Association, gave the following opinion:

The injunction in *Goodall vs. Brite*, which was very carefully prepared and which was approved by the District Court of Appeal after a lengthy and exhaustive hearing, leads one to believe that the District Court of Appeal assumed that persons admitted to county hospitals as indigent sick or dependent poor persons, *after due inquiry and investigation had established such to be the fact*, would never be called upon to pay the cost of hospitalization if they should in the future acquire resources. . . .

Also, Mr. Peart added, if the court's decision is not followed, and no injury and investigation is made, the answer is, of course, that the board of supervisors must be considered to be acting in excess of its statutory authority.

Read also what another able member of the legal profession wrote concerning the Appellate Court opinion, as follows:

Certainly, nothing in the judgment of the court even suggests to a reasonable person any obligation on the part of the defendants to collect from indigent persons or dependent or partially dependent persons, anything whatsoever.

This legal friend continues:

. . . The court does not say power to compel payment, but power to provide for hospitalization of each individual patient should be "charged to the patient on his ability to pay." It clearly implies that if a patient has no ability to pay, nothing should be charged to him; that if he is able to pay, say \$1 or so a week, only that amount should be charged to him and to the extent that such a patient is able to pay only less than the entire cost of hospitalization in his own particular case, the Board of Supervisors should in their rules of admission provide for payment of the balance. Of course, here I come back to a clause that I have stated above, which makes this reasoning dependent on the

legal authority of the Board to use public funds to pay the cost of hospitalization of totally indigent persons and the balance of the cost of hospitalization of persons able to pay only in part for the services rendered. Such authority seems to be clearly implied in the opinion of the court. . . .

. . . The fact that they have elected to charge persons for services amounts that they knew such persons would never be able to pay, and the fact that they have under the pretended cover of a court order spent public money in efforts to collect accounts which they knew were uncollectible, without asking further instructions from the court, would seem to me, in view of the clarity of the court's decision and judgment, to come very near to exposing them to punishment for contempt of court.

\* \* \*

**General Counsel Peart's Discussion in This Issue.**—Elsewhere in this number of CALIFORNIA AND WESTERN MEDICINE, on page 297, in the standing Medical Jurisprudence department, Mr. Peart, General Counsel of the California Medical Association, discusses legal phases of the Appellate Court decision in considerable detail. Mr. Peart's opinion, which is worthy of careful reading by every member of the California Medical Association, has especial value, not only because in his many years of service with the California Medical Association he has had occasion to give particular attention to the matters at issue, but also because, in the appeal to Appellate Court in the Kern County case, he appeared as one of the attorneys for the respondents, as did also Mr. Burrel, whose opinion was also quoted above. (See February issue, page 107.) It is fair to assume, therefore, that they know somewhat of the legal matters under discussion.

\* \* \*

**Evasion of These Fundamental Issues Will Be of No Avail.**—Our reason for giving space to the above is that some newspaper articles containing interviews with county officials seem to avoid the basic matters involved in the criticisms of procedures in vogue at the Los Angeles County Hospital, while what one might term an almost studious attempt to show the costs to taxpayers if patients are not billed, is seemingly emphasized.

No such evasion or begging the question will suffice in the matters at issue, which must be settled on the basis of California law and fair play alike to patients, taxpayers, and the medical profession.

\* \* \*

**Evidence in February, March and April Issues Is Convincing.**—The evidence presented in the February, March, and April issues of CALIFORNIA AND WESTERN MEDICINE possesses sufficient merit to warrant an impartial and thorough investigation, in order that illegal and improper procedures may be stopped. That is a responsibility which the Board of Supervisors must meet, even though the duty be unpleasant. The medical profession asks for no favors for its members, but feels that the past and present services of physicians who are on the attending staff of the institution warrant that much, no matter what the ultimate decision may be.

\* See March CALIFORNIA AND WESTERN MEDICINE, page 217.